

# **ADM Chapter R4: JSA claimant responsibilities - work-related requirements**

## **Subpages**

- Introduction R4001
- What the JSA work-related requirements are R4002 - R4007
- Dual entitlement to UC and JSA R4008 - R4009
- Carers R4010 - R4019
- Requirements in connection with work-related requirements R4020 - R4029
- The work-focused interview requirement R4030 - R4039
- The work preparation requirement R4040 - R4049
- The work search requirement R4050 - R4109
- The work availability requirement R4110 - R4159
- Limitations on the work search and work availability requirement R4160 - R4179
- Imposition of work-related requirements R4180 - R4999
- Appendix

# Introduction R4001

## Introduction

R4001 If a claimant does not comply with their work-related requirements then their JSA may be reduced<sup>1</sup>. ADM Chapters **S4** – **S7** provide guidance on the sanctions which may apply to claimants who do not comply with a work-related requirement.

1 JS Act 95, s 6J & 6K

## What the JSA work-related requirements are R4002 - R4007

R4002 The JSA work-related requirements are<sup>1</sup> the

1. work-focused interview requirement (see **R4030** et seq)
2. work preparation requirement (see **R4040** et seq)
3. work search requirement (see **R4050** et seq)
4. work availability requirement (see **R4110** et seq).

1 JS Act 95, s 6(2)

R4003 A work-related requirement when imposed on a claimant can be subject to change and can be revoked. The Secretary of State has the power to change or revoke what has been specified or imposed on a claimant<sup>1</sup>.

1 JS Act 95, s 6H(3)

R4004 The claimant has to be aware of any work-related requirement that has been imposed on them. Where a claimant is subject to a work-related requirement then this should be recorded on the claimant's claimant commitment. If not, it should be notified to the claimant in a manner that the Secretary of State sees fit. This includes where a work-related requirement has been changed or revoked<sup>1</sup>.

1 JS Act 95, s 6H(4)

R4005 A JSA claimant must, except in certain circumstances, have a

1. work search requirement **and**
2. work availability requirement

imposed on them<sup>1</sup>.

1 JS Act 95, s 6F(1)

R4006 A claimant may also have either or both of a

1. work-focused interview requirement
2. work preparation requirement

imposed on them<sup>1</sup>.

R4007

## Dual entitlement to UC and JSA R4008 - R4009

### Dual entitlement to UC and JSA

R4008 Where a claimant is entitled to both JSA and UC then the JSA work-related requirements do not apply<sup>1</sup>. Please refer to the UC guidance in ADM Chapter **J3**.

1 JSA Regs 13, reg 5(1) & (2)

R4009

## Carers R4010 - R4019

### Carers

R4010 The requirements that a claimant may be subject to can be affected by their caring responsibilities. In this guidance the following terms are defined.

#### Relevant carer

R4011 A relevant carer means<sup>1</sup>

**1.** a parent of a child who is not the responsible carer but does have caring responsibilities for the child **or**

**2.** a person who has caring responsibilities for a person who has a

**2.1** physical **or**

**2.2** mental

impairment which makes those caring responsibilities necessary.

1 JSA Regs 13, reg 4(1)

#### Responsible carer

R4012 A claimant is a responsible carer where<sup>1</sup> they are a

**1.** the only person who is responsible for the child **or**

**2.** member of a couple where

**2.1** both members are responsible for the child **and**

**2.2** the claimant has been nominated by the couple jointly as responsible for the child.

1 JSA Regs 13, reg 4(1)

#### Responsible foster parent

R4013 In relation to a child, a responsible foster parent means<sup>1</sup>

**1.** a person who is the only foster parent of that child **or**

**2.** a person who is a member of a couple where

**2.1** the couple are foster parents in relation to that child **and**

**2.2** the person has been nominated by the couple jointly as the responsible foster carer.

1 JSA Regs 13, reg 4(1)

### **Responsible carer and responsible foster parent – couples and nominations**

R4014 Members of a couple can nominate<sup>1</sup> which one of them can be regarded as either the

**1.** responsible carer **or**

**2.** responsible foster parent.

1 JSA Regs 13, reg 4(1)

R4015 At any one time, only one person can be nominated as a responsible carer or a responsible foster parent<sup>1</sup>.

1 JSA Regs 13, reg 4(3)

R4016 Where there is more than one child, the nomination applies to all the children for whom the claimant is responsible<sup>1</sup>.

1 JSA Regs 13, reg 4(4)

R4017 A nomination can be changed

**1.** once in a 12 month period starting from the date of the previous nomination **or**

**2.** on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.

1 JSA Regs, reg 4(2)

R4018 – R4019

# Requirements in connection with work-related requirements R4020 - R4029

## Requirements in connection with work-related requirements

R4020 The Secretary of State can require<sup>1</sup> that a claimant participate in an interview for any purpose relating to

- 1.** the imposition of a work-related requirement on a claimant **and**
- 2.** verifying the claimant's compliance with a work-related requirement **and**
- 3.** helping the claimant to comply with a work-related requirement.

1 JS Act 95, s 6G(1)

R4021 The Secretary of State may specify<sup>1</sup>

- 1.** how **and**
- 2.** when **and**
- 3.** where

the interview should take place. This applies to claimants where interviews form part of their conditionality regime.

1 JS Act 95, s 6G(2)

R4022 Failure by the claimant to participate without good reason in the interview may result in a sanction<sup>1</sup>.

1 JS Act 95, s 6K(2)(b)

R4023 In order to verify that the claimant has complied with a work-related requirement, the Secretary of State can require<sup>1</sup> a claimant to

- 1.** provide information and evidence as specified **and**
- 2.** confirm compliance as specified.

1 JS Act 95, s 6G(3)



## Example

Gail is in receipt of JSA. As part of her work-search requirement, she was asked to draw up an up to date CV. This action was recorded on Gail's claimant commitment. Gail's adviser at the Jobcentre arranges an interview for Gail to attend to discuss her work search and to bring with her the up-dated CV. The adviser asks Gail to bring the up to date CV with her to the interview so that compliance with that work-related requirement can be confirmed.

R4024 – R4027

R4028 A claimant can be required<sup>1</sup> to report to the Secretary of State any specified changes in their circumstances which are relevant to the

1. imposition of work-related requirements on them **and**
2. claimant's compliance with a work-related requirement.

1 JS Act 95, s 6G(4)

R4029

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R4024 – R4027

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2. claimant's compliance with a work-related requirement.

1 JS Act 95, s 6G(4)

R4029

# The work-focused interview requirement R4030 - R4039

## Work-focused interview requirement

[Introduction](#) R4030

[What a work-focused interview is](#) R4031 - R4039

### Introduction

R4030 The work-focused interview requirement is a requirement that a claimant take part in one or more work-focused interviews as specified by the Secretary of State<sup>1</sup>.

1 JS Act 95, s 6B(1)

### What a work-focused interview is

R4031 A work-focused interview is an interview which the claimant is required to participate in which relates to work or work preparation<sup>1</sup>. The Secretary of State may specify

1. how
2. when **and**
3. where

a work-focused interview is to take place<sup>2</sup>.

1 JS Act 95, s 6B(2); 2 s 6B(4)

### Example

Clive is in receipt of JSA. Clive is notified by an officer of Jobcentre Plus to attend a work-focused interview on 15.7.13 at 10 a.m. in person at his local Jobcentre Plus office.

R4032 The purposes<sup>1</sup> of a work-focused interview for a claimant are any or all of

1. assessing the claimant's prospects for remaining in or obtaining work
2. assisting or encouraging the claimant to remain in or obtain work

**3.** identifying activities that the claimant may undertake that will make remaining in or obtaining work more likely

**4.** identifying

**4.1** training **or**

**4.2** educational **or**

**4.3** rehabilitation

opportunities that may make the claimant more likely to remain in or obtain work or be able to do so

**5.** identifying current or future work opportunities that are relevant to the claimant's needs and abilities.

1 JS Act 95, s 6B(3) & JSA Regs 13, reg 10

### **Example**

Connor attends his work-focused interview at his local Jobcentre Plus office. At the interview Connor's adviser discusses obtaining the paid work that fits within Connor's capabilities and circumstances and whether there are any issues which require addressing in order for Connor to be able to successfully find work. Connor says that he would like to work in an office environment but has little recent experience of this. Connor and his adviser discuss the activities that will make it more likely that Connor will be successful in obtaining paid work. These include a programme of work experience and also a basic IT course.

R4033 The activities discussed in a work-focused interview are activities that will make it more likely that the claimant will obtain

**1.** paid work **or**

**2.** more paid work **or**

**3.** better-paid work.

The activities may be actions to be taken by the claimant immediately or in the future.

**Note:** Paid work includes self-employment.

R4034 Examples of such activities include

- 1.** employment programmes
- 2.** work experience
- 3.** voluntary work
- 4.** gaining relevant qualifications.

R4035 – R4039

# The work preparation requirement R4040 - R4049

## The work preparation requirement

[Introduction](#) R4040 - R4041

[Types of action](#) R4042 - R4049

### Introduction

R4040 The Secretary of State can require that a claimant take particular action for the purpose of making it more likely that the claimant will obtain

1. paid work **or**
2. more paid work **or**
3. better paid work<sup>1</sup>.

This is known as the work preparation requirement.

**Note:** It is the Secretary of State's opinion that matters as to whether the particular action will enable the claimant to obtain **1.**, **2.** or **3.**.

1 JS Act 95, s 6C(1)

R4041 The amount of time that has to be spent on any particular action can be specified by the Secretary of State<sup>1</sup>.

1 JS Act 95, s 6C(2)

### Types of action

R4042 The kinds of action which may be specified by the Secretary of State include<sup>1</sup>

1. attending a skills assessment
2. improving personal presentation
3. taking part in training

4. taking part in an employment programme

5. undertaking

5.1 work experience or

5.2 a work placement

6. developing a business plan

7. any other prescribed action.

**Note:** No action has been prescribed in legislation for 7.

1 JS Act 95, s 6C(3)

### **Example 1**

Joanna works for a few hours a week on a S/E basis as a free-lance web designer and wishes to make this work her main employment. At the moment, the work is ad-hoc. Joanna's adviser at the Jobcentre advises that in order to have a better chance of getting more of this work, Joanna should develop a business plan setting out who she sees as her potential clients, how these clients should be approached, how her work can be marketed and how her resources should be best employed. This is Joanna's work preparation requirement and is recorded on her claimant commitment. If Joanna doesn't develop this business plan within timescales agreed with her adviser then her JSA could be sanctioned.

### **Example 2**

Chris has claimed JSA following his release from prison. His employment history is made up mainly of temporary jobs and casual work. Upon making his claim for JSA, Chris agreed with his adviser at the Jobcentre that he would undertake a skills assessment in order to clarify what work he would be best placed to look for. This is part of a work preparation requirement and is recorded on Chris's claimant commitment.

### **Example 3**

Diane is homeless and has been sleeping rough for the last week. Her adviser at the Jobcentre has decided to temporarily lift the requirement to comply with her work availability and work search requirement (see ADM R4218). Diane's lack of having an address is making it difficult for her to find paid work. In order to improve her chances of finding paid work, Diane's adviser at the Jobcentre advises her that she should register with the LA on the housing waiting list. This is Diane's work preparation requirement and is recorded on her claimant commitment.

# The work search requirement R4050 - R4109

## The work-search requirement

[Introduction](#) R4050 - R4052

[All reasonable action](#) R4053 - R4059

[Expected hours](#) R4060 - R4072

[Voluntary work](#) R4073 - R4074

[Time spent on work search which is less than the claimant's expected hours of work](#) R4075 - R4077

[Any particular action](#) R4078 - R4079

[Best prospects of obtaining work](#) R4080 - R4084

[Interviews](#) R4085

[Community orders, community disposals or anti-social behaviour](#) R4086

[Skills, qualifications, abilities and limitations](#) R4087 - R4090

[Action taken in previous weeks](#) R4091 - R4094

[Homeless claimants](#) R4095 - R4099

[Evidence](#) R4100 - R4109

## Introduction

R4050 The work search requirement is a requirement that a claimant takes

**1.** all reasonable action **and**

**2.** any particular action that has been specified by the Secretary of State

to obtain paid work or more paid work or better paid work<sup>1</sup>.

**Note:** Paid work includes self-employment.



R4051 The amount of time that a claimant has to spend on any particular action can also be specified by the Secretary of State<sup>1</sup>.

R4052 When deciding if the work search “all reasonable action” requirement has been met, DMs should have regard to the

- 1.** time spent by the claimant searching for work **and**
- 2.** quality of the claimant’s work search including the range of actions that they have taken (for example, contacting employers, registering with employment agencies, investigating self-employment opportunities etc).

## **All reasonable action**

R4053 A claimant who has not taken all reasonable action to obtain paid work has to be treated as not having complied with a work search requirement<sup>1</sup>.

R4054 In order to meet the requirement to take all reasonable action in any week

- 1.** a claimant must
  - 1.1** take action to get paid work for their expected hours of work per week minus any relevant deductions<sup>1</sup>**or**
  - 1.2** satisfy the Secretary of State that they have taken all reasonable action despite the time spent doing this being less than the claimant’s expected hours of work<sup>2</sup>**and**
- 2.** the claimant’s action must be action which gives them the best prospects of obtaining work<sup>3</sup>.

R4055 Relevant deductions means<sup>1</sup> the total of any time agreed by the Secretary of State for the claimant to

- 1.** carry out in that week
  - 1.1** paid work **or**

**1.2** voluntary work **or**

**1.3** a work preparation requirement **or**

**1.4** voluntary work preparation **or**

**2.** deal with

**2.1** temporary childcare responsibilities **or**

**2.2** a domestic emergency **or**

**2.3** funeral arrangements **or**

**2.4** other temporary circumstances.

**Note 1:** Voluntary work preparation in **1.4** is action taken by the claimant and agreed by the Secretary of State for the purpose of making it more likely they will obtain paid work but which has not been specified by the Secretary of State as part of a work preparation requirement<sup>2</sup>.

**Note 2:** A relevant deduction should also include the travel time it takes for a person to travel to and from the place to under **1.1, 1.2, 1.3** and **1.4**.

**Note 3:** See **R4071** for guidance on temporary circumstances.

1 JSA Regs 13, reg 12(2); 2 reg 4(1)

### **Example 1**

Peter is in receipt of JSA. Peter agrees with his adviser that his expected hours of work a week are 35 and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Including travel time, Peter spends five hours a week helping out at his local youth club on a voluntary basis. This was agreed with his adviser. For the purposes of all reasonable action in searching for work, Peter's relevant deductions are five hours a week. This means that Peter should spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

### **Example 2**

Joe's expected hours of work are 35 a week. He has just started working for a few hours a week on a S/E basis as delivery driver and wishes to make this work his main employment. At the moment, the work is sporadic. Joe's adviser at the Jobcentre advises that in order to have a better chance of getting more of this work, Joe should develop a business plan setting out who he sees as his potential clients, how these clients should be approached and how his work can be advertised. This is Joe's work preparation requirement and is recorded on his claimant commitment. It has been agreed that Joe should spend five

hours a week on the work preparation requirement. This means that Joe should normally spend 30 hours a week on his work search requirement taking action that gives him the best prospects of finding paid work.

R4056 – R4059

## Expected hours of work

R4060 When determining all reasonable action in a work search requirement, the DM has to have regard to the expected number of hours of work per week.

R4061 The general rule is that, unless an exception applies, the expected number of hours of work per week is normally 35<sup>1</sup>.

1 JSA Regs 13, reg 9(1)

### Example

Phil is a single unemployed man and has made a claim for JSA. Phil's expected hours of work are normally 35 per week. This is recorded on his claimant commitment. Phil is expected to normally spend 35 hours per week on his work search.

## Exceptions to the expected number of hours of work

R4062 The expected hours of work for a claimant

**1.** who is a

**1.1** relevant carer **or**

**1.2.** responsible carer **or**

**1.3.** responsible foster parent **and**

**2.** where the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work are the number of hours that the Secretary of State considers is compatible with those caring responsibilities<sup>1</sup>.

1 JSA Regs 13, reg 9(2)(a)

R4063 When considering whether a claimant has reasonable prospects of obtaining paid work for the hours that meet their caring responsibilities, circumstances which should be taken into account include

1. the type and number of vacancies within 90 minutes normal travelling distance of their home
2. their skills, qualifications and experience
3. how long it is since they last worked
4. the job applications that they have made and the outcomes.

R4064 Where there are no current vacancies which fit the claimant's caring responsibilities in their particular locality, it should be considered whether the claimant has done all that they can (and continue to do so) to give themselves reasonable prospects of finding work when it is available in their locality.

R4065 Where a claimant is a responsible carer for a child aged under the age of 13, the expected hours of work are the lower number that the Secretary of State considers is compatible with the child's normal school hours (including the normal time it takes the child to travel to and from school)<sup>1</sup>. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 JSA Regs 13, reg 9(2)(b)

### **Example**

Jerry is the responsible carer for his son who is aged 12 years old. It has been agreed with Jerry's adviser at the Jobcentre that Jerry's expected hours of work should be 28 hours a week because this fits in with his son's normal school hours including the time it takes for Jerry's son to travel to and from school.

R4066 Where a claimant is the responsible carer of a child aged 13 or over, the claimant's work search and work availability requirements can be limited to fit in with those caring responsibilities. The DM should take into account any mental or physical impairments of the child (see **R4062**). The claimant has to show reasonable prospects of obtaining work notwithstanding those limitations<sup>1</sup>.

1 JSA Regs 13, reg 9(2)(a)

R4067 The expected hours of work for a claimant who has a

1. physical **or**
2. mental

impairment are the lower number of hours that the Secretary of State considers is reasonable as a result of the impairment<sup>1</sup>. The claimant does not have to show that they have reasonable prospects of obtaining paid work.

1 JSA Regs 13, reg 9(2)(c)

### **Example**

Colin has claimed JSA. He suffers from rheumatoid arthritis which can cause him a degree of pain and discomfort but he does not have LCW. Colin's adviser considers the evidence and decides that Colin cannot be expected to work for 35 hours a week but that it is not unreasonable for him to work for ten hours a week. Colin's expected number of hours a week for the purposes of JSA are therefore ten per week.

R4068 A claimant may have their hours of work limited in any way provided the limitations are reasonable in the light of their physical or mental condition.

### **Example**

Hank suffers from emphysema. He asks that the type of work that he can do should be limited

- 1.** to avoid working in smoke or fumes
- 2.** regarding the number of hours of work in a week or the number of hours in a shift due to fatigue/limitations.

This is determined to be reasonable in the light of Hank's condition.

R4069 Where it is agreed with the claimant that there are acceptable limitations due to their physical or mental impairments then they do not have to show they have reasonable prospects of getting paid work. However, the claimant must show that all the limitations are reasonable and are directly connected with their physical or mental impairment.

R4070

### **Temporary circumstances**

R4071 A temporary circumstance is any relevant change affecting the claimant that is likely to be for a limited period of time only and is a question of fact. The fact that there may be no end date for the temporary circumstance does not prevent the change being temporary. It is also possible in time for a temporary circumstance to become a permanent circumstance. Claimants do need to report relevant changes in their circumstances. Where this happens the claimant's adviser will need to consider with the claimant new work-related requirements. An updated claimant commitment would also be required to reflect their new circumstances.

### **Example 1**

When Moin claimed JSA it was agreed with his adviser that his weekly expected hours of work were 35

and that he would spend 35 hours a week on his work search requirement. This is recorded on his claimant commitment. Moin is to move house in the week commencing 20 April. Moin's adviser agrees that during this week, Moin needs to only spend 20 hours a week on his work search requirement because 15 hours a week can be a relevant deduction to take account of the time spent moving house. The act of moving from one house to the other is a temporary circumstance for Moin.

### **Example 2**

Sara is in receipt of JSA and her weekly expected hours of work are 35. Her daughter Amelia is at secondary school but has been excluded for a week due to her bad behaviour. As a result of Amelia's exclusion and other issues associated with it, Sara has not been able to devote 35 hours a week to her work search and has spent about 10 hours on this. Sara's adviser agrees that for the week this work search is sufficient because Amelia's exclusion from school is a temporary circumstance for Sara.

R4072

## **Voluntary work**

R4073 Where the Secretary of State has agreed that the claimant can carry out voluntary work in a week then for the purposes of calculating the relevant deduction, the time agreed cannot exceed 50% of the number of the claimant's number of expected hours of work<sup>1</sup>.

1 JSA Regs 13, reg 12(3)

R4074 Claimants can do as much voluntary work as they wish but for the purposes of JSA, only 50% of their expected hours of work can be a relevant deduction against their work search activities for the week.

### **Example**

Carol is in receipt of JSA. It has been agreed that she should be looking for paid work of 35 hours a week. Carol also performs voluntary work at her daughter's school. The amount of time that will be allowed as a maximum deduction in respect of the voluntary work cannot exceed 17.5 hours a week even if Carol performs voluntary work in excess of 17.5 hours a week.

## **Time spent on work search which is less than the claimant's expected hours of work**

R4075 There will be times where a claimant has spent less time on work search than their expected hours of work. In such cases, where a claimant has taken all reasonable action to find paid work, then the

work search requirement is satisfied<sup>1</sup>. What all reasonable action will be will depend on the claimant's circumstances.

1 JSA Regs 13, reg 12(1)(a)(ii)

### **Examples of reasonable action**

R4076 Activities such as

**1.** verbal or written or on-line applications for employment to persons who

**1.1** have advertised job vacancies **or**

**1.2** who appear to be able to offer employment **and**

**2.** looking for information on job vacancies

**2.1** in advertisements **or**

**2.2** from people who have placed advertisements indicating employment is available **or**

**2.3** from employment agencies and employment businesses **or**

**2.4** from employers

**2.5** on-line **and**

**3.** registering with an employment agency or employment business **and**

**4.** appointing someone else to help the claimant find employment **and**

**5.** seeking specialist advice which will help the claimant to get employment, taking into account the claimant's

**5.1** needs **and**

**5.2** mental or physical impairments **and**

**6.** drawing up a curriculum vitae **and**

**7.** seeking a reference or testimonial from a previous employer **and**

**8.** drawing up a list of employers who may be able to offer employment with a view to seeking information from them on possible job vacancies **and**

**9.** seeking information about employers who may be able to offer employment to the claimant **and**

**10.** seeking information on an occupation with a view to getting employment in that occupation

are examples of reasonable action to obtain work but this is not exhaustive. The better the quality of the activity, the more likely that the action that the claimant has taken has provided the best prospects of obtaining paid work.

### **Example**

Darren is in receipt of JSA. His expected number of hours of work are 35 a week. On a typical day, Darren spends

- 1.** two hours on-line looking through recruitment sites
- 2.** one hour reading the “situations vacant” pages in the press (local papers, national papers and trade journals)
- 3.** one hour and a half completing a job application and covering letter
- 4.** half an hour reviewing and updating his CV
- 5.** half an hour pursuing further information on suitable advertised vacancies
- 6.** half an hour speaking to friends, family and former colleagues about possible employment opportunities
- 7.** one hour researching the possibility of setting up in business as self-employed.

R4077 Where a claimant has done all that could be reasonably be expected of them in terms of

- 1.** applying for all suitable vacancies
- 2.** undertaking all the activities set out in their work search and work preparation plan
- 3.** suitable work search action in addition to **1.** and **2.**

then this will normally be sufficient even where the time taken was less than the claimant’s expected hours of work.

### **Any particular action**

R4078 The Secretary of State can specify that the claimant takes particular action as part of a work search requirement in order for the claimant to get

- 1.** paid work **or**



**2.** more paid work **or**

**3.** better-paid work<sup>1</sup>.

1 JS Act 95, s 6D(1)(b)

R4079 The types of action that may be specified includes<sup>1</sup>

**1.** carrying out work searches

**2.** making job applications

**3.** creating and maintaining an online profile in connection with finding work

**4.** registering with an employment agency

**5.** seeking references

**6.** any other action as the Secretary of State thinks fit.

1 JS Act 95, s 6D(3)

### **Example**

John's previous work experience is in IT. He is searching for further work in this profession. There are a number of employment agencies which specialise in finding work for IT professionals but John has not yet approached them. As part of John's work search requirement, his adviser now specifies that John must register with these specialist employment agencies.

### **Best prospects of obtaining work**

R4080 What is the best chance of getting paid work will vary from claimant to claimant. Claimants must take such action that offers them their best chance of getting

**1.** paid work **or**

**2.** more paid work **or**

**3.** better-paid work.

R4081 – R4082

R4083 If claimants take action that does not offer them any chance of getting an offer of paid work, this action cannot help them satisfy the work search requirement.

### **Example**

Zac's claimant commitment records that he is looking for office work and retail work. He is a keen video gamer and spends a considerable amount of time playing these games at home and at friends' houses. Ideally, Zac would like to be a games designer and says that the time spent playing games is good experience and could help him get paid work. There is no evidence that Zac has applied for any jobs in that field and there is no evidence that Zac's time spent playing games has made him more attractive to any would be employer. The time that Zac spends playing video games does not help him to satisfy the work search requirement.

R4084 The type of work that claimants are or should be looking for is taken into account when deciding which actions would give them their best chance of getting paid work.

## **Interviews**

R4085 A work search requirement may require a claimant to apply for a particular vacancy. Failure to participate in an interview in connection with that vacancy means that the claimant has to be treated as having not complied with a work search requirement<sup>1</sup>.

1 JSA Regs 13, reg 11

### **Example 1**

Anna has been required by her adviser to apply for a vacancy at the local nursery. Anna applied for the vacancy but when offered an interview, she declined to attend on the grounds that she had heard from family and friends that the nursery has a poor reputation. Anna has not complied with a work search requirement.

### **Example 2**

Damien has been required by his adviser to apply for a vacancy as a credit controller. Damien applied for the post and completed a satisfactory application but was not short listed for an interview. Damien has complied with a work search requirement.

## **Community orders, community disposals or anti-social behaviour orders**

R4086 If claimants are subject to

- 1. community orders or**
- 2. community disposals or**
- 3. anti-social behaviour orders**

that require them to be at home during the day, then this should be taken into account when the work-search requirement is set. Examples of searching for work from home are reading newspapers, accessing the internet, using the phone and writing to employers.

## **Skills, qualifications, abilities and limitations**

R4087 Claimants'

- 1. skills and**
- 2. qualifications and**
- 3. abilities and**
- 4. limitations**

may affect the type of action that they can reasonably be expected to take.

R4088 Claimants with

- 1. mental impairments or**
- 2. physical impairments or**
- 3. communication difficulties or**
- 4. learning difficulties**

may not be able to cope with the amount or type of job search that could reasonably be expected of a claimant without these disabilities or difficulties.

R4089 Some may not be able to make many personal visits to employers or employment agencies because

1. of travelling difficulties **or**
2. they may need to make travelling arrangements well in advance.

However they should still take whatever action they can reasonably be expected to take, allowing for their impairments and the facilities available to them.

R4090 If claimants are illiterate they cannot reasonably be expected to write to employers or read advertisements. But they could

1. arrange for someone else to help them search for work, for example by passing on information about suitable job advertisements **and**
2. take other action that they can reasonably be expected to take, for example visiting or telephoning employers' premises or sites.

## **Action taken in previous weeks**

R4091 The action that claimants took in previous weeks to search for work often affect what they can reasonably be expected to do in the week in question. For example, if claimants have already written to employers enquiring about vacancies, and they

1. are still awaiting a reply **or**
2. have been told that no work is available

they cannot reasonably be expected to write to that employer again until a reasonable time has passed.

R4092 If claimants

1. have already registered with an employment agency or business **and**
2. they have promised to let them know of any suitable vacancies

it is reasonable for claimants to wait, for a time, for the agency to contact them. But there will usually be other action that they could reasonably be expected to take.

R4093 As vacancies are constantly being filled and new vacancies advertised, it may be reasonable to expect claimants to

- 1.** continue to make use of Find a Job
- 2.** continue to make use of internet job sites which they are registered with
- 3.** visit a local Jobcentre Plus office in the week in question to check whether any new vacancies have been advertised, even if they visited in previous weeks
- 4.** apply for a vacancy newly advertised by an employer, even if they are waiting for the result of other applications they have made to that employer.

R4094

## **Homeless claimants**

R4095 If claimants have nowhere to live

- 1.** it may be difficult for them to be contacted by
    - 1.1** employers **or**
    - 1.2** employment agencies **or**
    - 1.3** those who may be able to help them find employment **and**
  - 2.** they may have to spend much of their time in the week in question looking for somewhere to live.
- Both** these factors should be taken into account in deciding what it was reasonable to expect them to do in any week.

R4096 Some homeless claimants may be able to arrange for friends or relatives to receive their mail. But all the facts must be taken into account when deciding whether this is reasonable in the claimant's case.

R4097 Being homeless may limit the action claimants can take. However homeless claimants can still search for work by

**1.** reading advertisements **and**

**2.** making personal calls on

**2.1** employers **and**

**2.2** employment agencies **and**

**3.** making use of services in

**3.1** the Jobcentre **or**

**3.2** their local library

to apply for jobs and create CVs.

The above is not exhaustive.

R4098 – R4099

## **Evidence**

R4100 Where there is a doubt about whether a claimant is meeting their work search requirement, the case will usually be referred to the DM with

**1.** a copy of the claimant commitment **and**

**2.** details of any other action to seek work that an officer of the Jobcentre Plus office suggested the claimant take in the week or weeks in question **and**

**3.** evidence of what action the claimant took to seek work in those weeks **and**

**4.** evidence of what action the claimant took in previous weeks **and**

**5.** evidence of any advice about searching for work that the Jobcentre Plus office had previously given the claimant.

R4101 The DM does not have to accept that the action suggested by the Jobcentre Plus office is the action that the claimant can reasonably be expected to take to give them their best chance of getting work. For example, the DM may have, or obtain, other evidence that suggests

**1.** it was not reasonable to expect the claimant to take the action expected by the Jobcentre Plus office

and that action did not offer the claimant their best chance of getting work **or**

**2.** it would have been reasonable to expect the claimant to take other action (whether or not the claimant took them) and that they offered the claimant their best chance of getting work.

In the absence of such evidence, the DM should accept that the actions expected by the Jobcentre Plus office were reasonable and offered the claimant their best chance of obtaining work.

R4102 Evidence of work search includes

- 1.** evidence from employers, employment agencies or other bodies that the claimant has contacted
- 2.** the claimant's activity on Find a Job
- 3.** copies of letters or applications that the claimant has sent to employers on-line, by post or in person
- 4.** the claimant's uncorroborated written evidence (claimants should keep a record of their job search and other efforts to find work)
- 5.** the claimant's own verbal evidence, recorded by an officer of the Jobcentre Plus office.

R4103 Corroboration of the claimant's evidence is not essential (see ADM Chapter **A1**). DMs should note that

**1.** claimants will not always be able to obtain corroborative evidence if they state that they have

**1.1** "asked around" **or**

**1.2** applied for jobs that are normally advertised and filled by word of mouth **and**

**2.** employers do not always reply to written enquiries.

R4104 If the DM has reason to doubt whether a claimant has contacted certain employers or agencies those employers or agencies may be asked whether they

**1.** keep a record of enquiries by job seekers **and**

**2.** are able to confirm that a particular person approached them for employment.

But such enquiries should only be necessary if the evidence before the DM is inconsistent or seems unlikely.

## **Proof**

R4105 Before determining whether the claimant was meeting the work search requirement in any week the DM

- 1.** must decide what the claimant did in that week to search for work **and**
- 2.** may also have to decide what they did to search for work in previous weeks.

The onus is on the claimant to show what steps have been taken<sup>1</sup>.

1 UC, PIP & WaB (C&P) Regs, reg 38(2) & (3)

R4106 Determining whether claimants were meeting the work search requirement in any week requires a comparison between

- 1.** what they in fact did to search for work in that week **and**
- 2.** what the law required them to do.

R4107 Claimants must take the work search actions that give them the best prospects of securing work; it will not be enough just to spend time looking for a job. They must be doing so in an effective manner.

R4108 – R4109



# The work availability requirement R4110 - R4159

## The work-availability requirement

[Introduction](#) R4110

[Willing and able immediately to take up paid work](#) R4112 - R4139

[Interviews](#) R4140

[Prisoners](#) R4141

[Treated as having complied with a work availability requirement](#) R4142 - R4159

## Introduction

R4110 A work availability requirement is a requirement that a claimant be available for work<sup>1</sup>.

1 JS Act 95, s 6E(1)

R4111 To be available for work, a claimant must be

**1. able and**

**2. willing**

immediately to take up paid work or more paid work or better-paid work<sup>1</sup>.

1 JS Act 95, s 6E(2)

## Willing and able immediately to take up paid work

R4112 To be available for employment claimants must

**1. be available in an active, positive sense and**

**2. draw attention to their availability.**

Claimants will not be available for paid work if they are passive and merely wait for someone to find and offer them work<sup>1</sup>.

R4113 In order to demonstrate that they are willing and able immediately to take up paid work, claimants should

1. be physically able to take up work within the appropriate timescale
2. be contactable (through mail, e-mail or phone) for interviews or work
3. be willing and able to give up any commitments which may interfere with their ability to start work
4. attend all interviews that have been arranged for them
5. consider their appearance and behaviour to ensure this does not reduce their prospects of finding paid work.

### Example

Kevin is in receipt of JSA and has a work availability requirement with no limitations. In order to improve his prospects of finding work as an IT engineer, Kevin has enrolled at his own expense on a training course. He did not discuss this with his adviser at the Jobcentre. The training course has cost Kevin a significant amount of money in fees and Kevin says that he is not prepared to take time off the course or give it up in order to attend any job interviews that may arise. The DM determines that Kevin is not complying with his work availability requirement.

R4114 The DM determines whether the

1. type **or**
2. types of employment

that the claimant is available for are paid work<sup>1</sup>.

1 R(U) 14/51

R4115 The DM can decide that claimants are not available for paid work, even if they have not refused an offer of work<sup>1</sup>.

1 R(U) 44/53

R4116 Whether claimants are available for paid work depends on their intentions and attitude towards taking paid work. It should generally be accepted that people are available for paid work if

1. they say they are available **and**

**2.** they do all that is required of them to prove their availability **and**

**3.** they give the promises that are normally accepted as proving availability **and**

**4.** there is nothing in their statements or actions to suggest they are not available<sup>1</sup>.

**Note:** There may be evidence that claimants have taken action to seek paid work. However they may not be able and willing to start work at once, for example because they are engaged in some other activity that they are unable or unwilling to leave.

1 R(U) 3/65

R4117 –R4127

### **Forbidden by law to take paid work**

R4128 To be available for paid work a claimant must be able to take up employment in accordance with the law of the UK<sup>1</sup>.

1 R(U) 13/57; R(U) 1/82(T)

#### **Example 1**

Hassan who does not have a right to live in the UK, is granted a work permit that is valid for one particular type of employment. He is not allowed to take other employment without permission of the HO. When his employment ends he claims JSA. Any offer of employment made to Hassan is subject to a work permit being obtained, from the HO, first. Without obtaining a work permit he is not able to take employment, at once, in accordance with UK legislation. Hassan is not available for work.

#### **Example 2**

Maria from Brazil has a permit to stay in the UK and take up employment. She does not comply with the conditions of the permit and it is withdrawn. Maria is ordered to leave the country by a certain date in a deportation order. She is not available for paid work unless the deportation order is revoked and the permit reinstated.

R4129 – R4139

### **Interviews**

R4140 A claimant has to be treated as having not complied with a work availability requirement if the claimant is not

**1. willing and**

**2. able**

immediately to attend an interview in connection with getting paid work<sup>1</sup>.

1 JSA Regs 13, reg 13(1)(a)

### **Example 1**

Jeff is reluctant to immediately attend a job interview that could result in him getting paid work. He takes the view that he needs to spend time on preparation and research before attending any interview in order to give himself the best chance of success. In any case, Jeff thinks that he has a decent prospect of a job interview in about a fortnight's time – he is just waiting for an employer to get back to him - and he wants to concentrate his efforts on that possible interview. Despite being advised by the Jobcentre about the requirement to be willing and able to immediately attend an interview, Jeff won't change his mind. The DM determines that Jeff does not comply with a work availability requirement.

### **Example 2**

Roy is in receipt of JSA. His adviser at the Jobcentre has spotted a vacancy which Roy would be suitable for. The employer wishes to fill the vacancy as quickly as possible and can interview applicants straight away. Roy's adviser contacts Roy about the vacancy and tells him that the employer can see him that afternoon. Roy says he will not attend the interview because he thinks it's too short notice and in any case, he was planning on completing an application form for another vacancy that afternoon. The DM determines that Roy does not comply with a work availability requirement.

## **Prisoners**

R4141 A prisoner on temporary release<sup>1</sup> has to be treated as having not complied with a work availability requirement<sup>2</sup>.

1 Prison Act 1952; Prisons (Scotland) Act 1989, s 39(6); 2 JSA Regs 13, reg 13(1)(b)

## **Treated as having complied with a work availability requirement**

R4142 Even though a claimant is not actually able to immediately take up paid work, a claimant has to be treated as having complied with a work availability requirement where<sup>1</sup> they are

**1. a responsible or relevant carer or**

**2.** engaged in voluntary work **or**

**3.** employed under a contract of service.

However certain conditions apply and the following paragraphs provide guidance on those conditions.

1 JSA Regs 13, reg 13(2)

## **Carers**

R4143 Where the

**1.** claimant is a

**1.1** responsible carer **or**

**1.2** relevant carer **and**

**2.** Secretary of State is satisfied that as a result the claimant needs

**2.1** a period of up to one month to take up paid work **or**

**2.2** up to 48 hours to attend an interview in connection with obtaining paid work

taking into account alternative care arrangements

**and**

**3.** claimant is able and willing to

**3.1** take up paid work **or**

**3.2** attend an interview

on being given notice for the period in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement<sup>1</sup>.

1 JSA Regs 13, reg 13(3)

### **Example 1**

Tammy and George are each in receipt of JSA. They have a child aged 14 at secondary school. For the purposes of their awards of JSA, Tammy has been nominated as the responsible carer. In order to satisfy her work availability requirement, Tammy is not required to be able and willing to immediately take up work. She must, however, be able and willing to attend an interview on 48 hours' notice and take up paid

work on one month's notice. If Tammy is not able and willing to do this then she does not satisfy the work availability requirement. George is required to be able and willing immediately to take up work.

## **Example 2**

Sally lives with her mother. Sally's mother is elderly and is becoming quite forgetful and frail. She needs Sally's help occasionally through the day. Sally usually cooks her mother's meals and accompanies her if she has to go anywhere. She also helps her mother in dealing with any official communications, for example, sorting out doctor's appointments and completing benefit forms. Sally's adviser has agreed that Sally does not need to be able and willing to immediately take up paid work. Instead she only needs to be able to take up paid work given a month's notice and to attend an interview given 48 hours notice. This is recorded on Sally's claimant commitment. Sally is a relevant carer and satisfies the work availability requirement.

R4144

## **Voluntary work**

R4145 Where the

**1.** claimant is doing voluntary work **and**

**2.** Secretary of State is satisfied that as a result the claimant needs

**2.1** a period of up to one week to take up paid work **or**

**2.2** up to 48 hours to attend an interview in connection with obtaining paid work **and**

**3.** claimant is able and willing to

**3.1** take up paid work **or**

**3.2** attend an interview

on being given notice as in **2.1** or **2.2**

then the claimant is to be treated as having complied with a work availability requirement<sup>1</sup>.

**Note:** Voluntary work includes any work carried out for no payment.

1 JSA Regs 13, reg 13(4)

## **Example**

Claire is the secretary of the local sports association. The work is unpaid. As part of her voluntary duties,

Claire is heavily involved in all aspects of the administration of the sports association and is often at the club doing paperwork, attending meetings, taking enquiries and tidying up. In addition, Claire helps run the local junior football league. Claire says that, although she can't always immediately take up paid work due to commitments to the sports association, she could attend a job interview if given the appropriate notice of up to 48 hours and take up paid work if given the appropriate notice of up to a week. Claire does comply with a work availability requirement.

R4146 – R4149

### **Employed under a contract of service**

R4150 Where the claimant is

**1.** employed under a contract of service **and**

**2.** required to give notice to end their contract

**2.1** under relevant legislation<sup>1</sup>**or**

**2.2** under the contract of employment **and**

**3.** able and willing to take up paid work once the notice period has expired **and**

**4.** able and willing to attend an interview on being given 48 hours notice

then the claimant is to be treated as having complied with a work availability requirement<sup>2</sup>.

1 ER Act 96, s 86; 2 JSA Regs 13, reg 13(5)

### **Example**

Chris works 10 hours a week for a supermarket. He is not immediately available for other paid work because under his contract of employment Chris is required to give one week's notice. However, he is willing and able to take up other paid work on the expiry of this notice period. Chris is also able and willing to attend a job interview on being given 48 hours' notice. Chris is treated as complying with a work availability requirement so long as he is subject to his contract of employment.

R4151 – R4159

# Limitations on the work search and work availability requirement

## R4160 - R4179

### Limitations on the work search and work availability requirement

[Introduction](#) R4160

[Location](#) R4161 - R4162

[Previous paid work](#) R4163 - R4166

[Physical and mental impairments](#) R4167 - R4169

[Expected hours of work](#) R4170 - R4179

### Introduction

R4160 In certain circumstances limitations can be imposed on a claimant's

1. work search requirement **and**
2. work availability requirement<sup>1</sup>.

1 JS Act 95, s 6D(4) & 6E(3)

### Location

R4161 A work search requirement and a work availability requirement must be limited to work that is in a location which would normally take the claimant a maximum of 90 minutes each way to travel from

1. home to the location **and**
2. the location to home<sup>1</sup>.

**Note:** Travelling time **includes** the time spent waiting for transport connections after the journey has started.

1 JSA Regs 13, reg 14(2)



R4162 When considering how long it would normally take to travel, regard should be given to

1. the claimant's normal method of transport
2. the availability of transport such as frequency of public transport and cover in rural areas
3. any personal factors, for example a driving ban
4. impairments which may cause travelling independently between locations to take longer than it would for someone without such an impairment.

### **Example**

Martin has made a claim for JSA and is subject to all work-related requirements. Although Martin has passed his driving test and has a driving licence, he has no car and is reliant on public transport. Martin's work search and work availability requirement must be limited to locations which would take him up to 90 minutes to travel to each way by public transport.

## **Previous paid work**

R4163 A claimant who has previously carried out work

1. of a particular nature **or**
2. paid at a particular level

must have their work search requirement and work availability requirement limited to work of that nature or level of pay where the Secretary of State is satisfied that the claimant has reasonable prospects of getting paid work with those limitation(s)<sup>1</sup>.

<sup>1</sup> JS Act 95, s 6D(5)(a) & (b) & s 6E(4)(a) & (b), JSA Regs 13, reg 14(3)

### **Example**

Rennick has claimed JSA after losing his job as a secondary school teacher. Before he was made redundant, he was a main scale teacher with no leadership responsibilities. On making his claim to JSA, Rennick informed Jobcentre Plus that he wanted to remain in the teaching profession at the same level as he had been before his redundancy. There are a number of secondary schools within 90 minutes travelling distance of where Rennick lives. Rennick's work coach is satisfied that Rennick has reasonable prospects of returning to work as a main scale teacher and so Rennick's work search and work availability requirement are limited to that profession for a period as per R4164 from the date of claim to

JSA.

## **Period of limitation**

J3164 The determination to apply the period of limitation in J3163 can be only for a period not exceeding

**1.** three months if the claim is prior to 8.2.22 (however see the guidance on the transitional provision at

J3166) **or**

**2.** four weeks if the claim is on or after 8.2.22<sup>1</sup>.

*1 [UC Regs, reg 97\(4\)](#)*

## **J3165 The period of limitation takes effect from the date**

**1.** of the claim **or**

**2.** on which the claimant ceases work after exceeding the earnings threshold if after the date of claim<sup>1</sup>.

**Note:** See guidance at J3166 if a limitation was already in place on 8.2.22.

*1 [JSA Regs 2013, reg 14\(3\)](#)*

## **Example**

Jake claims JSA from 14.2.22. He has been made redundant from his job as a computer skills training officer. He wishes to look for work in this field and the work coach is satisfied that there are plenty of opportunities in his locality in this type of work and so thinks Jake has reasonable prospects of getting work soon in the computer skills training sector. Limitations on Jake's work search and work availability requirements are set for four weeks from 14.2.22.

## **Transitional provision**

J3166 Where a work search requirement or work availability requirement is limited on 8.2.22, the limitation is to end on

**1.** the day before the date on which the limitation no longer applies **or**

**2.** 7.3.22

whichever is soonest<sup>1</sup>.

<sup>1</sup> [JSA Regs 2013, reg 14\(3\)](#)

### **Example**

Lizzy was made redundant from her job as a personal trainer at a local gym and claims JSA from 10. 1. 22. She has already applied for several vacancies at other gyms in her locality and the work coach is satisfied she has a reasonable prospect of getting another job as a personal trainer and so applies a limitation on her work search and work availability requirements for 3 months. Lizzy is still claiming JSA on 8.2.22 so the limitation is lifted from 7.3.22. From 8.3.22 no limitation will apply and Lizzy will have to extend her work search and work availability to other jobs.

## **Physical and mental impairments**

R4167 A claimant who demonstrates that

**1.** they have a

**1.1** physical **or**

**1.2** mental impairment **and**

**2.** their ability to carry out work

**2.1** of a particular nature **or**

**2.2** in particular locations

is substantially adversely affected due to the impairment, must not have a work search requirement or work availability requirement related to work of that nature or in those locations<sup>1</sup>.

R4168 – R4169

## **Expected hours of work**

R4170 If a claimant has limited their expected hours of work on the grounds of

- 1.** being a relevant carer **or**
- 2.** being a responsible carer **or**
- 3.** having a physical or mental impairment

then their work search requirement and work availability requirement must be limited to the same number of hours per week<sup>1</sup>. R4062 et seq provides guidance on the exceptions to the expected number of hours of work.

1 JSA Regs 13, reg 14(5)

### **Example**

Chloe is the responsible carer for her son, Jim who is aged 14. As a result of having to care for Jim, Chloe's agreed expected weekly hours of work are 30. Chloe's work search and work availability requirement are therefore also limited to 30 hours a week of paid work. Chloe need only be available for paid work of 30 hours a week and need only spend 30 hours a week searching for this work.

R4171 – R4179

# Imposition of work-related requirements R4180 - R4999

## Imposition of work-related requirements

[Claimants with no requirements imposed on them: domestic violence](#) R4180 - R4187

[Victims of domestic violence](#) R4188 - R4190

[Circumstances in which requirements must not be imposed](#) R41912 - R4215

[Unreasonable to comply with a work search requirement](#) R4216 - R4229

[Unfit for work](#) R4230 - R4239

[Extended period of sickness](#) R4240 - R4999

## Claimants with no requirements imposed on them: domestic violence

R4180 In certain circumstances a claimant who has been a recent victim of domestic violence cannot have any work-related requirements imposed on them and any existing requirement ceases. A recent victim of domestic violence means a person who has had domestic violence

**1.** threatened **or**

**2.** inflicted

upon them in the last six months<sup>1</sup>.

1 JSA Regs 13, reg 15(2)

R4181 The domestic violence has to have been inflicted or threatened against the claimant by the<sup>1</sup>

**1.** claimant's

**1.1** partner **or**

**1.2** former partner if the claimant is no longer a member of a couple **or**

**2.** claimant's

**2.1** grandparent

**2.2** grandchild

**2.3** parent

**2.4** parent-in-law

**2.5** son

**2.6** son-in-law

**2.7** daughter

**2.8** daughter-in-law

**2.9** step-parent

**2.10** step-son

**2.11** step-daughter

**2.12** brother

**2.13** step-brother

**2.14** brother-in-law

**2.15** sister

**2.16** step-sister

**2.17** sister-in-law.

**Note:** For any of the people listed at **2.1** to **2.17**, this also includes their partner if they are a member of a couple.

1 JSA Regs 13, reg 15(3)(a) & (4)

## **Definitions**

R4182 In paragraphs **R4180** to **R4191** a number of terms are defined.

## **Domestic violence**

R4183 Domestic violence means<sup>1</sup> any incident or pattern of incidents of controlling behaviour, coercive

behaviour or abuse including (but not limited to)

1. psychological abuse
2. physical abuse
3. sexual abuse
4. emotional abuse
- 5 financial abuse

regardless of the gender or sexuality of the victim. The **Appendix** to this Chapter provides examples of domestic abuse.

**Note 1:** Coercive behaviour means<sup>2</sup> an act of assault, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim.

**Note 2:** Controlling behaviour means<sup>3</sup> an act designed to make the victim subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour.

1 JSA Regs 13, reg 15(5); 2 reg 15(5); 3 reg 15(5)

### **Example 1**

Abdul and Gita are married. Gita threatens Abdul with a kitchen knife during an argument after Abdul tells her that he wishes to give up work and return to education. She doesn't actually use the knife but it is intended to frighten Abdul. This is an example of coercive behaviour.

### **Example 2**

Susan is married to Jim. Jim does not allow Susan to contact her parents or other members of her family. Jim tells Susan that she cannot communicate with them in any way unless he gives her permission. This is an example of controlling behaviour because Jim is isolating Susan from a source of support.

R4184

### **Health care professional**

R4185 In **R4186** a HCP means<sup>1</sup> a person who is a member of a profession regulated under relevant legislation<sup>2</sup>.

1 JSA Regs 13, reg 15(5); 2 National Health Service Reform and Health Care Professions Act 2002, s 25(3)

### **Person acting in an official capacity**

R4186 A person acting in an official capacity means<sup>1</sup>

- 1.** a HCP
- 2.** a police officer
- 3.** a registered social worker
- 4.** the claimant's employer
- 5.** a representative of the claimant's trade union
- 6.** any public, voluntary or charitable body which has had direct contact with the victim in connection with domestic violence.

1 JSA Regs 13, reg 15(5)

### **Registered social worker**

R4187 Registered social worker means<sup>1</sup> a person registered as a social worker on a register maintained by the

- 1.** Health and Care Professions Council
- 2.** Social Care Wales
- 3.** Scottish Social Services Council
- 4.** Northern Ireland Social Care Council.

1 JSA Regs 13, reg 15(5)

### **Victims of domestic violence**

R4188 Where a claimant who has recently been a victim of domestic violence then



1. any requirement imposed on them ceases to have effect for a period of 13 consecutive weeks<sup>1</sup>**and**
2. the Secretary of State must not impose any other requirement on that claimant during that 13 week period<sup>2</sup>.

1 JSA Regs 13, reg 15(1)(a); 2 reg 15(1)(b)

R4189 The 13 week period in **R4188 1.** begins on the date that the claimant notified the Secretary of State of the threatened or inflicted domestic violence<sup>1</sup>.

1 JSA Regs 13, reg 15(1)(a)

R4190 In order for the easement in **R4188** to apply, the claimant

**1.** must notify the Secretary of State in the specified manner that domestic violence has been

**1.1** inflicted on **or**

**1.2** threatened against

them during the period of six months ending on the day of the notification<sup>1</sup>**and**

**2.** must not have had the benefit of the easement for a period of 12 month period immediately prior to the date of the notification<sup>2</sup>**and**

**3.** must not on the date of the notification be living at the same address as the person who inflicted or threatened the domestic violence<sup>3</sup>**and**

**4.** must provide evidence as soon as possible (and no later than one month from the date of the notification) from a person acting in an official capacity that shows that

**4.1** their circumstances are consistent with having had domestic violence inflicted or threatened against them during the six month period ending on the date of the notification **and**

**4.2** they made contact with the person acting in an official capacity regarding the incident during the six month period<sup>4</sup>.

1 JSA Regs 13, reg 15(3)(a); 2 reg 15(3)(b); 3 reg 15(3)(c); 4 reg 15(3)(d)

R4191 In order for the full 13 week easement to apply, evidence must be supplied within the timescale described in **R4190 4.** If evidence is not supplied within this limit then the easement ends after one month after the claimant notifies the Secretary of State as in **R4190 1.**

## Example 1

Henry is in receipt of JSA and is in the all work-related requirements group. He notifies the Jobcentre that his partner Tony attacked him in their home and that the police are dealing with the incident. Henry and Tony share the same house and neither intends to move out. The DM refuses to lift the work-related requirements imposed on Henry because at the date of the notification Henry was living at the same address as Tony.

## Example 2

Andi is in receipt of JSA. She reports to the Jobcentre on 1.7.13 that her then partner physically attacked her two weeks earlier and that he has now moved out of the family home. The DM determines that the work-related requirements imposed on Andi do not apply for four weeks from 1.7.13 to 31.7.13 (both dates inclusive). Andi must also supply before 1.8.13 evidence from a person acting in an official capacity that demonstrates that her circumstances are consistent with her notification of 1.7.13. If this is done then no work-related requirements can be imposed on Andi for a further nine weeks the period 1.8.13 to 29.9.13. Therefore, the total easement, if evidence is supplied, is 13 weeks.

## Circumstances in which requirements must not be imposed

R4192 In certain circumstances the Secretary of State must not impose a work search requirement on claimants<sup>1</sup> and any existing requirements cease for as long as the circumstances apply<sup>2</sup>. So long as those circumstances apply then the claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>3</sup>.

1 JSA Regs 13, reg 16(1)(a); 2 reg 16(2); 3 reg 16(1)(b)

R4193 The circumstances where **R4192** applies are where

1. the claimant is attending a court or tribunal as a party to any proceedings or as a witness<sup>1</sup>
2. the claimant is temporarily absent from GB for a period not expected to (and does not) exceed six months because they are<sup>2</sup>
  - 2.1 taking their child outside GB for medical treatment **or**
  - 2.2 attending a job interview outside GB **or**
  - 2.3 receiving medical treatment outside GB
3. it is within six months of the death of<sup>3</sup>

**3.1** the claimant's partner, where the claimant was the member of a couple **or**

**3.2** a child for whom the claimant or their partner is responsible for **or**

**3.3** a child of whom the claimant is the parent

**4.** the claimant is receiving and participating in a structured recovery orientated course of

**4.1** alcohol **or**

**4.2** drug

dependency treatment for a period of up to six months<sup>4</sup>

**5.** the claimant is under protection due to their involvement in investigations or proceedings for a period of up to three months<sup>5</sup>.

1 JSA Regs 13, reg 16(3)(a); 2 reg 16(3)(b); 3 reg 16(3)(c); 4 reg 16(3)(d); 5 reg 16(3)(e);  
Serious Organised Crime and Police Act 2005, s 82

## **Attending a court or tribunal**

R4194 Where the claimant attends a court or tribunal as a

**1.** party to the proceedings **or**

**2.** witness

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>. Tribunal means any tribunal listed in specific legislation<sup>2</sup>.

**Note:** A party to the proceedings in **1.** includes defendants, appellants and respondents.

1 JSA Regs 13, reg 16(3)(a); 2 reg 16(6); Tribunal and Inquiries Act 1992, Sch 1

R4195 – R4196

## **Temporarily absent from GB**

R4197 Where a claimant is temporarily absent from GB solely because they are

**1.** taking their child outside GB for medical treatment **or**

**2.** attending a job interview outside GB **or**

**3.** receiving medical treatment outside GB

then a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>.

1 JSA Regs 13, reg 16(3)(b)

R4198 Guidance on deciding on whether an absence is temporary can be found ADM Chapter C3.

R4199

### **Within six months of a death**

R4200 Where it is within six months of the death of

**1.** the claimant's partner<sup>1</sup>**or**

**2.** a child or qualifying young person<sup>2</sup> for whom the

**2.1** claimant **or**

**2.2** claimant's partner

is responsible **or**

**3.** a child, for whom the claimant is the parent<sup>3</sup>

a work search requirement must not be imposed and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

1 JSA Regs 13, reg 16(3)(c)(i); 2 reg 99(3)(c)(ii); 3 reg 99(3)(c)(iii)

R4201 A child means<sup>1</sup> a person aged under 16.

1 JS Act 95, s 35(1)

R4202

### **Structured recovery orientated course**

R4203 For a period of up to six months a claimant who is receiving and participating in a structured

recovery orientated course of

**1. alcohol or**

**2. drug**

addiction treatment<sup>1</sup> cannot have a work search requirement imposed on them and the claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

**Note:** Where the course is for more than six months, R4203 only applies for the first six months.

1 JSA Regs 13, reg 16(3)(d)

### **Protection of persons involved in investigations and proceedings**

R4204 For a period of up to three months a work search requirement cannot be imposed on a claimant who is under protection whilst involved in criminal investigations or proceedings<sup>1</sup>. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview.

**Note:** Where the arrangements are for more than three months, **R4204** only applies for the first three months.

1 JSA Regs 13, reg 16(3)(e)

### **Example**

Joe has provided the police with information relating to a gang that he was an associate of. The gang is believed by the police to be involved in criminal activity. The police also believe that, as a result of providing this information, Joe is at risk from intimidation and attack by gang members. The police have therefore arranged for Joe to be placed under protection. For a period of up to three months whilst these arrangements are in place, a work search and a work availability requirement cannot be imposed on Joe.

R4205 The protection arrangements have to be made by a provider under relevant legislation<sup>1</sup>.

1 Serious Organised Crime and Police Act 2005, s 82

R4206 – R4215

### **Unreasonable to comply with a work search requirement**

R4216 Where the Secretary of State is satisfied that it would be unreasonable for the claimant to comply with a work search requirement (including one that has been limited) because the claimant is

1. responsible for caring for a child on a temporary basis<sup>1</sup> **or**

2. subject to temporary circumstances<sup>2</sup> **or**

3. carrying out a public duty<sup>3</sup> **or**

4. carrying out<sup>4</sup>

4.1 a work preparation requirement **or**

4.2 voluntary work preparation

then the claimant cannot have a work search requirement imposed on them and any work search requirement that has previously been imposed must come to an end. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview

1 JSA Regs 13, reg 16(4)(a); 2 reg 16(4)(b); 3 reg 16(4)(c); 4 reg 16(4)(d)

### Temporary child care responsibilities

R4217 Where the claimant has temporary child care responsibilities then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>.

1 JSA Regs 13, reg 16(4)(a)

### Example

Linda is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Her sister has been rushed into hospital. Whilst her sister is in hospital, Linda is looking after her 12 year old niece because there is nobody else to look after her. Linda will be looking after her niece until her sister is discharged from hospital. Whilst Linda is looking her niece, she is not required to comply with her work availability requirement and no work search requirement can be imposed.

### Temporary circumstances

R4218 Where the claimant is subject to temporary circumstances then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>. **R4071** provides guidance on temporary circumstances.

1 JSA Regs 13, reg 16(4)(b)

## Example 1

Charlotte is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Her daughter Chloe has been excluded from school until further notice following an incident. Chloe is to remain away from school until the incident has been investigated. Despite every effort, Charlotte has been unable to sort out other arrangements to look after Chloe and so has to be at home with her. Whilst Chloe is excluded from school, Charlotte is not required to comply with her work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed.

## Example 2

Sally is subject to a work availability requirement that is not limited which means she has to be able and willing immediately to take up paid work. Following an argument with her parents, Sally has been told to leave the family home. She has nowhere to go and has been sleeping rough whilst trying to find somewhere to live. She has now been given a place in a direct access hostel until something more permanent can be found. Whilst Sally is dealing with this temporary circumstance, she is not required to comply with her work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed. This will continue to be the case until Sally has moved out of the direct access hotel but should be reviewed on a regular basis. The requirements should not normally be lifted for more than a month.

## Carrying out a public duty

R4219 Whilst the claimant is engaged in carrying out a public duty then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant **also** does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>.

1 JSA Regs 13, reg 16(4)(c)

R4220 Examples of public duties include

1. volunteer firefighters
2. lifeboat volunteers
3. special constables.

## Work preparation requirement and voluntary work preparation

R4221 Whilst the claimant is engaged in carrying out a

1. work preparation requirement **or**

## 2. voluntary work preparation

then the claimant does not have to comply with a work search requirement if it would be unreasonable to do so. The claimant also does not have to be able and willing to immediately take up work or attend an interview<sup>1</sup>

1 JSA Regs 13, reg 16(4)(d)

R4222 **R4040** et seq provides guidance on the work preparation requirement.

R4223 Voluntary work preparation is action taken by the claimant and agreed by the Secretary of State for the purpose of making it more likely they will obtain paid work but which has not been specified by the Secretary of State as part of a work preparation requirement<sup>1</sup>.

1 JSA Regs 13, reg 4(1)

### Example

As part of a voluntary work preparation requirement, Danny is doing a week's jobshadowing at an accountancy firm. This has been agreed with his adviser because Danny wants to work in accountancy. Whilst performing this jobshadow, Danny is not required to comply with his work availability requirement to be able and willing immediately to take up paid work and no work search requirement can be imposed.

R4224 – R4229

## Unfit for work

R4230 Work-related requirements - i.e. a work search<sup>1</sup> and/or a work availability requirement<sup>2</sup> must not be imposed<sup>3</sup> where a claimant is unfit for work for a maximum of 14 consecutive days, and for no more than two periods in any 12 month period, where a self-certificate is provided for the first seven days and a Doctor's note<sup>4</sup> for any further days of sickness.

1 WR Act 12, s 17; 2 WR Act 12, s 18; 3 UC Regs, reg 99(4);

4 SS (Med Ev) Regs, Sch 1, Part 1

R4231 Where the claimant's health condition continues, they will be referred for a WCA to determine whether they have limited capability for work (LCW) or work-related activity (LCWRA)<sup>1</sup> (see ADM



chapter G1). Whilst the claimant is undergoing the WCA process work-related requirements may be imposed, even when the claimant continues to provide medical evidence, providing that the Secretary of State decides that it is reasonable, and appropriate to that claimant's circumstances, taking into account the claimant's health condition and current capabilities (see ADM chapter J2).

1 UC Regs, reg 39(2) & (3); reg 40(2)(a); Sch 6 & 7

R4232 Where it has been determined that the claimant

1. does not have LCW or LCWRA following the application of the WCA or
2. has been found not to have LCW or LCWRA following an assessment under ESA legislation<sup>1</sup> or
3. is treated as not having LCW or LCWRA<sup>2</sup> and
4. they continue to submit medical evidence of that condition and
5. in the opinion of the Secretary of State the condition they are suffering from is the same or
6. substantially the same as the condition they were suffering from before the claimant was determined/ treated as not having LCW/LCWRA

then the Secretary of State can impose any appropriate and reasonable work-related requirement, taking into account their health condition and current capabilities.

1 ESA Regs 13, regs 15 & 30; 2 UC Regs, reg 43(3) & 44(2), reg 39(1)(b) & 40(1)(b)

R4233 Work search and work-related requirements will not be imposed where

1. the claimant is referred for another WCA or
2. the Secretary of State determines that it would be unreasonable<sup>1</sup> for the claimant to comply with such a requirement (see J3226).

1. UC Regs, reg 99(5), JSA Regs 13, reg 16(4)

**Note:** Work-focused interview and work preparation requirements can be set where paragraphs J4230 - J4232 apply and the Secretary of State considers it reasonable to do so.

### Example 1

Hilary is in receipt of UC and reports that she is suffering from a back condition (her first period of sickness whilst in receipt of UC). She provides a self-certificate for the first seven days, followed by a Doctor's note as medical evidence for a further seven days. No work search and work availability

requirements are imposed for the first 14 days of sickness. Hilary's condition continues and two weeks later she submits another self-certificate for the first seven days, followed by a doctor's note. No work search or availability requirements are imposed for a further 14 days. Hilary's work coach decides that from the 15th day of this second period of illness and in addition to work-focused interview and work preparation requirements, Hilary can undertake some reasonable work-related activity and her work search and work availability requirements are tailored appropriately. Hilary agrees a revised CC and the WCA process begins.

Following application of the WCA, Hilary is found not to have WCA. She continues to provide medical evidence of her back condition, which is substantially the same condition. The work coach decides that in addition to work-focused interview and work preparation requirements, it is reasonable for Hilary to continue to undertake further work-related activity and her work search and work availability requirements are revised, still taking into account her health condition. Hilary agrees a new CC reflecting those changed requirements.

## **Example 2**

Hilary (as in Example 1) is found not to have LCW following the application of the WCA. Her health condition continues and in addition to work-focused interview and work preparation requirements, her previously agreed work search and work availability requirements continue. Four weeks later Hilary has a fall and badly fractures her wrist. She begins to submit medical evidence of this new condition. The Secretary of State decides that this a substantially new medical condition and decides that it would be unreasonable to impose any work-search or work availability requirements for three weeks. After the 21st day and in addition to work-focused interview and work preparation requirements, her work coach decides it would be reasonable to revise Hilary's work search and work availability requirements, taking into account her current capabilities and health condition. Hilary agrees a revised CC reflecting those. The WCA process begins again to determine whether Hilary has LCW or LCWRA for this new condition.

R4234 – R4239

## **Extended period of sickness**

R4240 For JSA claimants making use of the EPS provision, the rules on when work-related requirements should be imposed are modified.

## The work search requirement

R4241 The guidance in **R4242** applies to a claimant where

1. the claimant is within an EPS **and**
2. it would be unreasonable to expect the claimant to comply with a work search requirement<sup>1</sup>.

1 JSA Regs 13, reg 16A(1)

R4242 For a claimant to whom this paragraph applies

1. a work search requirement must not be imposed on the claimant **and**
2. a work search requirement which previously applied ceases to have effect from the date the claimant was first unable to work<sup>1</sup>.

1 JSA Regs 13, reg 16A(2)

R4243 – R4244

## The work availability requirement

R4245 For a claimant to whom **R4246** applies “able and willing to take up work” under a work availability requirement means<sup>1</sup>

1. able and willing to take up paid work **or**
2. to attend an interview

once the claimant ceases to be within an EPS.

1 JSA Regs 13, reg 16A(4)

R4246 This paragraph applies to a claimant where it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to

1. take up paid work **and**
2. attend an interview

because the claimant is within an EPS<sup>1</sup>.

1 JSA Regs 13, reg 16A(3)

R4247 For a claimant to whom **R4248** applies “able and willing to take up work” under a work availability requirement means<sup>1</sup>

- 1.** able and willing to take up paid work once the claimant ceases to be within an EPS **and**
- 2.** able and willing to attend an interview before the claimant ceases to be within an EPS.

1 JSA Regs 13, reg 16A(5)

R4248 This paragraph applies where it would be

- 1.** unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up paid work because the claimant is within an EPS **and**
- 2.** reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview<sup>1</sup>.

1 JSA Resg 13, reg 16A(5)

R4249 – R4999

# Appendix

## Examples of domestic abuse

1 Victims of domestic violence are not confined to one gender or ethnic group. Domestic violence can encompass, but is not limited to, the following types of abuse.

|                      |   |
|----------------------|---|
| <b>Psychological</b> | Includes intimidation, insulting, isolating a person from friends and family, criticising, denying the abuse, treating a person as an inferior, threatening to harm children or take them away, forced marriage.  |
| <b>Physical</b>      | Includes shaking, smacking, punching, kicking, presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation, “honour violence”.<br><br>Physical effects are often in areas of the body that are covered and hidden (i.e. breasts, legs or stomach). |
| <b>Sexual</b>        | Includes forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, sexually transmitted diseases, preventing breastfeeding.   |
| <b>Emotional</b>     | Includes swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling a person stupid or useless, eroding a person’s independence.   |
| <b>Financial</b>     | Includes not letting a person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making a person beg for money, gambling, not paying bills.  |

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**